ZB# 71-12

McDonald's/ Mobil/ Slepoy

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PUBLIC: NOTICE: OF BEARING BEFORE THE ZONING BOARD: OF APPEALS: PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Jown of Appeals of Appeals

State of New York County of Orange, ss:

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the	13th	day of	August	•••••	A.D., 19	9 71

Subscribed	and	sworn	to before	me this
16th	da	y of	August	1971

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Notary Public of the State of New York, County of Orange.
MY COMMISSION EXPIRES MARCH 30, 197

Forge Hill Rd. New Windsor, N. Y. October 7, 1971

Joseph C. Tallarico, Chairman New Windsor Planning Bd. 555 Union Avenue - Town Hall New Windsor, N. Y. 12550

Re: Slepoy/Mobil Application (McDonald's)

Dear Joe:

Please be advised that the above application for a variance was granted at the October 4, 1971 meeting of the Zoning Board of Appeals by five affirmative votes.

Yours truly,

FRED WYGANT, CHAIRMAN By: Patricia Delio, Secretary THE PRESENT OF THE WE BELLEVIEW OF SERVICE OF SERVICE THE SERVICE SERV

/pd

co: Howard Collett, Eldg. Inspector Theodore F. Marsden, Supervisor

Mema FROM:

OFFICE

OFFICE OF THE SUPERVISOR

THEODORE F. MARSDEN

TOWN OF NEW WINDSOR

555 UNION AVENUE

NEW WINDSOR, NEW YORK 12550

PHONE 565-8800

TO:

Zoning Board of Appeals

DATE: 9/1/71

SUBJECT:

McDonald's Variance Mobil Property

-FOLD HERE-

Please be advised that the proposed zone change suggested by Orange County Planning Department has been suggested by me to Orange County Planners to be included in map revision they are presently working on and expect to have finished within the next thirty to sisty (30 - 60) days.

Respectfully,

THEODORE F. MARSDEN

Supervisor

TFM:ked

by.

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OFFICE OF THE SUPERVISOR



TOWN OF NEW WINDSOR

Supervisor
Theodore F Marsden
555 Union Avenue
New Windsor, New York 12550
(914) 565-8800

October 4, 1971

Zoning Board of Appeals Planning Board
555 Union Avenue
New Windsor, New York

Gentlemen:

The Town Attorney and the Engineer have received and approved easements for Sewer District #14 which are acceptable and necessary for the Town's sewer construction.

You may proceed with your review of this variance on Site plan.

Thank you for your cooperation in this matter.

Respectfully,

THEODORE F. MARSDEN

Supervisor

TFM:cg

cc :Arthur O. Maharay, Esq. Mobile Oil Corporation

Zoney Bosel

Mobil Oil Corporation

P O BOX 868 ALBANY, NEW YORK 12201

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August 20, 1971

Mr. Theodore F. Marsden - Supervisor Town of New Windsor 555 Union Avenue New Windsor, New York 12550

Re: Vails Gate Property

Dear Mr. Marsden:

It was a pleasure to meet you on Wednesday, and I feel that we were able to settle the differences concerning the easements required by the sewer project.

By this letter, a copy of which will be sent to various interested parties, you may be informed that as of this writing and until further notice, the Mobil Oil Corporation is the only owner of the property and as such should be the only one authorized to appear, petition, apply or otherwise conduct official business pertinent to this land.

Very truly yours

G. P. Franks

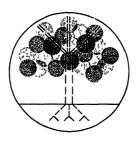
(Real Estate Representative

GPF:mph

Department of

Planning

Peter Garrison, AIP, Commissioner Edwin J. Garling, AIP, Deputy Commissioner



The County Building Goshen, New York 10924 (914) 294-5151 County Orange

Louis V Mills, County Executive

July 19, 1971

Mr. Fred Wygant, Jr., Chairman Town of New Windsor Zoning Board of Appeals Forge Hill Road New Windsor, New York 12550

Re: Use Variance - Scott (McDonald's) - Rts. 94 & 32

Dear Mr. Wygant:

We acknowledge receipt of the above application and have made our review, under the provisions of Sections 239, L and M, of the General Municipal Law. We note the following:

- 1. The applicant's property is located in a GI District containing a variety of non-industrial uses such as restaurants, shopping centers, service stations, and other local and general business uses.
- 2. The highway-oriented nature of these uses are disruptive of the highway frontage and often threaten the safety and planned capacity of the highways.
- 3. The proposal would have the effect of further diluting the intended character of the GI District and use of the surrounding highways.
- 4. The proposal represents a departure from the Town's Land Use Plan.
- 5. The applicant has not shown that a practical difficulty, or unnecessary hardship exists.

Mr. Fred Wygant, Jr. -2- July 19, 1971 Re: Use Variance - Rts. 94 & 32

(McDonald's)

On the basis of the above, and the fact that the property could be developed for a number of uses permitted within the GI District, we deny County approval.

In denying our approval, we suggest that there may be a need to re-examine the Town's Land Use Plan and rezone certain business areas to appropriately accommodate the uses found within them.

Very truly yours,

Peter Garrison

Commissioner of Planning

PG:mj

cc: D. Bello

J. Tallarico

L. Orzechowski

Enclosure

September 1, 1971

Dear

Please take notice that the zoning board of appeals of the town of New Windsor, New York will hold a public hearing pursuant to section 48-33A of the zoning Ordinance on the following proposition:

Request of Herbert Slepoy and Mobil Oil Corp. for a variance of the regulations of the zoning ordinance, to permit the installation of a Mc Donalds Restaurant, being a variance of article III, section 48-13 (a) for property owned by him situated as follows: property located south of the new Mobil gas station on rt. 32 Vails gate, New York.

Said hearing will take place on the 13th. of Sept. 1971, at the New Windsor Town Hall, 555 Union Ave. beginning at 8:30 oclock p. m

Fred Wygant Chairman Zoning Board of Appeals

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e raphyte it :

OFFICE OF THE SUPERVISOR

TOWN OF NEW WINDSOR

Supervisor
Theodore F. Marsden
555 Union Avenue
New Windsor, New York 12550
(914) 565-8800

August 19, 1971

Zoning Board of Appeals 555 Union Avenue New Windsor, New York

RE: Appeal #12

Gentlemen:

Please be advised that the Town Board of the Town of New Windsor has been and is requiring easements necessary for the installation of Sewer District #14 to service the property upon which the public hearing for a variance is being sought.

I have been in discussion with Mr. Franks of the Mobil Oil Company, and Mr. Slepoy, reported to be contract vendee of the property for Mr. George of the McDonald firm.

They have indicated to me, (Mr. George and Mr. Slepoy), that this application will be withdrawn pending the authorization of the above-mentioned easements by Mobil Oil Corporation.

This is somewhat necessary at this point, before the implementation of the subdivision that had been reported to be approved at the last Planning Board meeting. We find this necessary inasmuch as it would be much more difficult to condemn three (3) or four (4) property owners when they have a variance

Zoning Board of Appeals Page 2 August 19, 1971

and use permit and/or site plan approval, than it would be to acquire an easement from the one individual owner prior to any development proposals for the property.

I would respectfully request your cooperation in this matter and ask that no action be taken until such time as the above-mentioned easements have been acquired.

Thank you for your consideration.

Respectfully,

THEODORE F. MARSDEN

Supervisor

TFM: cg

Mobil Oil Corporation

670 WHITE PLAINS ROAD SCARSDALE, NEW YORK 10583

October 1, 1971

Mr. Arthur Mahray New Windsor, New York

Dear Mr. Mahray:

We attach hereto the original of a Sewer Easement granting to the Town of New Windsor a sewer easement along and across property owned by Mobil Oil Corporation in the Town of New Windsor, Orange County, New York, and more specifically described in said easement agreement.

This easement is being placed in escrow with you personally and is to be retained by you until such time as Herbert Slepoy or McDonald's Corporation receives from the Town of New Windsor a variance for a McDonald's Drive-in Restaurant. Approval of their site plan by the Planning Board of New Windsor and the issuance of a Building Permit required for the erection of a McDonald's Restaurant has been completed by the Town of New Windsor.

If any one of these conditions are not met, it is understood and agreed this Easement Agreement will be returned to the Mobil Oil Corporation, 670 White Plains Road, Scarsdale, New York 10583.

Yours Very Truly,

DEMEClure_

Accepted and Agreed to this

day of

1971.

Arthur Mahray

OFFICE OF THE SUPERVISOR



TOWN OF NEW WINDSOR

Supervisor
Theodore F Marsden
555 Union Avenue
New Windsor, New York 12550
(914) 565-8800

September 14, 1971

New Windsor Zoning Board of Appeals 555 Union Avenue New Windsor, New York 12550

SUBJECT: Slepoy - McDonald Variance Request

Gentlemen:

After several sessions of negotiations with Mr. Franks of Mobil Oil Co. and Mr. Slepoy, applicant for variance for the above mentioned property, I am pleased to advise that we have apparently reached an agreement with regard to the signing by Mobil and agreement by Mr. Slepoy, purchase vendee, as indicated in a copy of a letter received by Mr. Franks of Mobil Oil Corp., copy enclosed, which advises that Mr. Slepoy has entered into contract to purchase and is authorized to petition the Town for any necessary zoning change, permits, licenses and the variance which he is appearing for. At this time I would like to state that the Town certainly would like to see the tax base of the Town of New Windsor enlarged and would express no opposition to the granting of the variance with regard to the proposed McDonald installation.

I would respectfully request; however, that before approval for such variance is given, that a decision be with-held after the hearing pending the receipt of the final easement documents which are presently being reviewed by the attorneys for Mobil Oil and Mr. Slepoy.

As I indicated earlier in the letter, after lengthy meetings with Mr. Franks and Mr. Slepoy, Kartiganer Engineers and myself, all obstacles and objections seem to have been overcome. However, I would respectfully request that until such easements are filed and

New Windsor Zoning Board of Appeals Page 2 September 14, 1971

and the sewer district can be authorized to proceed, that no approval be given until you are notified of my receipt of these easements.

I wish to thank you for your cooperation in this matter.

Respectfully,

THEODORE F. MARSDEN

Supervisor

TFM:ked Enc.

Mobil Oil Corporation

P.O BOX 868 ALBANY, NEW YORK 12201

August 30, 1971

Mr. Theodore Marsden Town Supervisor Town of New Windsor Union Avenue Newburgh, New York 12550

Dear Mr. Marsden:

Please be informed that upon receipt of this letter, you are advised that Mr. Herbert Slepoy has entered into a contract to purchase the land situated in Vails Gate and is authorized to partition the town for the necessary zoning changes, permits and licenses.

G. P. Franks Real Estate Representative

GPF:sec

APPLICATION FOR VARILACE
Application #7/-/2 Date: 191
TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK
X (NE) Hertest Slepan - 0551 E. 42nd St. Dew Unk D.V.
Model Oil Corp. (Street & number) HEREBY MAKE
APPLICATION FOR A VARIANCE:
A. LOCATION OF THE PHOPERTY Rt. 32. Vails Hate-So. of Mobil Uil Sta. (Street & Number) (Use district on Map)
B. PROVISION OF THE ZONING ORDINANCE APPLICABLE: (Indicate the article, by number, sub-section and paragraph of the Zoning Ordinance applicable. Do not quote the ordinance: (18-13 (1))
C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:
1. Conditions and circumstances are unique to the applicant's lands, structures or building and do not apply to the neighboring lands, structures or buildings in the same zone because:
area surrounding is goned trusiness, Therefore,
creating a hardship with the present agains
of General Industry.
2. Strict application of the provisions of the ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because:
property for business surrounding for tusiness use
thereting depriving the applicant of a reasonable.
use of his property.
3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: The applicant hereof has done no their successions.
the adoption of the Ordinance to cause the
evicumistance presently existing.
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OFFICE OF THE ASSESSOR



TOWN OF NEW WINDSOR

Chairman Ellsworth E. Weyant 555 Union Avenue New Windsor, New York 12550 (914) 565-8808

Leonardo, Catherina 19 Prospect Street Newburgh, New York

Marshall, Maria Vails Gate, New York (Box 68)

Chr istopian, Frank Box 202 Vails Gate, New York

Fischer, Milton 1 blooming Grove Tpke. New Windsor, New York

mangini, Anthony & Rose 319 58th Street Brooklyn 20, N.Y.

Siano, Michael J. & Carolyn Vails Gate N.Y.

Dimiceli, Anthony J. & Vincenza V. P.O. Box 283
Vails Gate, N.Y.

Carioni, Frank & Mauro & Mascil, Nicola & Marim P,O. Box 4
Vails Gate, N.Y.

Mageau, Leo F. & Gladys V. 20 Truex Dr. New Windsor, N.Y.

Arseneault, Louis E. & Mary B. 22 Truex Dr. New Windsor, N.Y. Spencer, Henry A. & Mary C. 24 Truex Dr. New Windsor, N.Y.

Kinsley, John E. & Mary E. 26 Truex Dr. New Windsor, N.Y.

Villa, Frank J. & Margaret I. 17 Haight Dr. New Windsor, N.Y.

McCauley, J.M. 15 Haight Dr. New Windsor, N.Y.

Ettinger, Howard W. & Sarah P. Box 64 Vails Gate, N.Y.

Simmons-Vails Gate Plaza Inc. P.O. Box 65 Saugeties, N.Y. 12477

Hobin, Arthur
Box 235
Vails Gate, N.Y.

Satterly, Staurt & Son Inc. R.D.#2 Riley Rd. New Windsor, N.Y.

Gentral Hudson Gas and Electric Corp. c/o Tax Agent South Rd. Poughkeepsie, N.Y.

Marshall Nicholas C. Vails Gate, N.Y.

Casaccio, Paul & Virginia R.D.#4 Adler Dr. Cornwall, N.Y.

Primavera, Joseph A. & Robert Vails Gate, N.Y.

Getty Oil Company 660 Madison Ave. New Yor k, N.Y.

Temple Hill Sales Inc.
13 Starrow Dr.
e/o Schoonmaker Bros, Inc.
Newburgh, N.Y.

Olympia, Peter M. 16 nussell Rd. Newburgh, N.Y.

Grefe, Frank H. & Theresa M. Vails Gate, N.Y.

Weber, George A. & Olive B. Bails Gate, N.Y.

Trevorah, Edward Box 32 Vails Gate, N.Y.

General Electric Pension Trust Trustees Vails Gate, N.Y. c/o Atlantic Mef. Co.
260 south Md.
Philadelpha, Penn.
Pushman. Albert &

Cacciatore, Carmine J. 325 So Ocean Ave. Freeport, Long Island, N.Y.

Academy Terminal Corporation 90 main St. Highland Falls, N.Y.

Boneri, Concetta Vails Gate, N.Y. Simonson, Richard & Helen Vails Gate, N.Y.

Brewer, Robert Vails Gate, N.Y.

Brewer, Wilbur Vails Gate, N.Yl

Curry, Virginia Vails Gate, N.Y.

Brewer, Walter Vails Gate, N.Y.

Brewer, Ruby Mae Vails Gate, N.Y.

McMillen, Mary Vails Gate, N.Y.

Brewer, Helen & Ida Mae & Michael Vails Gate, N.Y.

Deyo, Beatrice Vails Gate, N.Y.

Pushman, Albert Jr. & William Rte. 32 Vails Gate, N.Y.

Pushman, Albert & Josephine Vails Gate, N.Y.

Pushman, William J. & Marion L. Rte. 32 Vails Gate, N.Y.

Carione, John & Louise 333 333 Blooming Grove Tpke. New Windsor, N.Y.

Dahlin, Raymond G. & Jean M. Box 508 Vails Gate, N.Y.

Respectfully Submitted,

ELLSWORTH E. WEYANT Chairman Board of Assessors Town of New Windsor

Law Offices SCOTT & SCHECHTMAN

H. MORTON SCOTT STEVEN I. SCHECHTMAN 186 Joralemon Street, Brooklyn, N. Y. 11201

June 25, 1971

Town of New Windsor Zoning Board of Appeals Union Avenue New Windsor, New York

Attention Fred Weygant, Jr., Chairman

Re: H. Morton Scott Application,

Property located south of Mobil Station

Vails Gate, New York

Dear Mr. Weygant:

In accordance with our recent telephone conversation, I am enclosing herewith the plot plan pertaining to the above application, which plot plan represents the 40,000 square feet to be sold to McDonald's for its restaurant purposes.

I am this day forwarding this plot plan to the Orange County Planning Board. If any other information is required, please do not hesitate to call me.

Thank you for your kind courtesies.

Very truly yours,

H. MORTON SCOTT

HMS:jms

Enc.

